

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff

NO. CIV. S-05-2253 WBS
NO. CR. S-04-269 WBS

v.

ORDER

ANDRES FELIX CAMUDIO,

Defendant.

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Defendant has filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. In that portion of the form which asks for the grounds and supporting facts, as Ground One, defendant cites to 21 U.S.C. § 846 and states:

I sell 1.0 oz of heroin to a federal agent undercover on the streets, I got arrested on the spot and took to San Joaquin - Stockton CA. After that they took my self to Sacramento for fingerprinting then to Federal Building.

As Ground Two, he cites to 21 U.S.C. § 841(a)(1) and states:

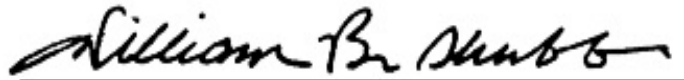
I got coat [sic] with heroin in my possession. I was selling in the street and the police arrest my self on the spot.

No other grounds for relief are set forth in the petition.

1 Perhaps defendant misunderstood the questions. He must
2 state the grounds upon which he believes he is entitled to relief
3 under section 2255 and the facts which he claims justify that
4 relief. The fact that he sold heroin to an undercover agent, or
5 that he was caught with heroin in his possession, does not
6 constitute a valid ground for relief under section 2255.

7 IT IS THEREFORE ORDERED that defendant's motion to
8 vacate, set aside, or correct his sentence under 28 U.S.C. § 2255
9 be, and the same hereby is, DISMISSED.

10 DATED: November 18, 2005

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13 WILLIAM B. SHUBB
14 UNITED STATES DISTRICT JUDGE
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